

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES :
 : **3:17-CR-156**
 :
 v. : **(JUDGE MANNION)**
 :
 MARK KOMOROSKI, :
 :
 Defendant :

ORDER

For the reasons set forth in the Memorandum of this date, **IT IS**

HEREBY ORDERED THAT:

1. Komoroski's Emergency Motion for Compassionate Release and request for Release to Home Confinement, under 18 U.S.C. §3582(c)(1)(A), because of the COVID-19 pandemic, **(Doc. 75)**, is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction due to his failure to exhaust his BOP administrative remedies.
2. Komoroski is directed to file a new request with Warden Finley for compassionate release based on the COVID-19 pandemic, as well as the other reasons stated in his Doc. 75 motion.

3. Insofar as Komoroski is challenging any decision by the

BOP that he is not eligible for home confinement designation under the CARES Act, his motion is **DISMISSED** since the authority to make this determination lies with the BOP Director and not the court.

s/ Malachy E. Mannion

MALACHY E. MANNION
United States District Judge

Dated: June 17, 2020

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